IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8729 OF 2004

Mrs.Savita Mukund Kelkar
and another Petitioners

versus

State of Maharashtra and others Respondents

Ashok M. Joshi, adv. for petitioners.

R.D.Rane, Additional G.P. for respondents 1 to 4.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 29th November 2004

PC :

1. Although we are disposing of this petition finally, we clarify that merits of the matter have not been considered by us. All contentions available to petitioners as well as respondents are expressly kept open.

2. Petitioner no.1 holds G.D.Art, A.M. qualifications. She made an application for granting Higher Grade after putting in requisite number of service in accordance to the Government Resolution dated 8th December 1995. Similar application was made by petitioner no.2. However, selection grade has been denied to them.

It is their grievance that selection grade has been denied to them on the ground that respondents 6 to 8 are senior to them and are entitled to said grade. It is petitioners' grievance that Teachers holding G.D.Art A.M. qualifications are entitled to get selection grade since these qualifications are treated as equivalent to that of Trained Graduate Teacher. It is their contention that respondents are misinterpreting G.R. dated 25th November 1988 to mean that a person is entitled to the benefits from the date of Resolution and not from the date of acquisition of qualifications. Petitioner no.2 has in addition contended that she has put in 24 years of service. She has acquired M.A. qualification prior to respondents 6 to 8.

3. Mr.Joshi, learned counsel appearing for petitioners invites our attention to the letter dated 4th November 2003 addressed by Education Officer (Secondary), Zilla Parishad, Pune. He also invites our attention to the clarification dated 9th April 2003 by which the words "from the date of issuance of this order" appearing in para 4 of GR dated 25th November 1988 have been excluded. In the submission of Mr.Joshi, petitioners are entitled to get selection grade in preference to all teachers including

respondents 6 to 8. He submits that number of representations have been made by the petitioners to the authorities to consider their cases.

4. In our view, interest of justice would be subserved if the issue is directed to be reconsidered by the authorities. Accordingly, we direct the Education Officer (Secondary), Zilla Parishad, Pune to consider the issue of seniority and entitlement of selection grade of petitioners and pass appropriate orders in accordance with law after hearing them as well as respondents 6 to 8. Such orders be passed as expeditiously as possible and in any event within a period of six months from today. Needless to observe that respondent Education Officer (Secondary), Z.P; Pune will afford all opportunities to the affected parties.

5. With the aforesaid directions petition is disposed of.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)

mst